

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

SANDY J. BATTISTA,
Plaintiff,
vs.
FRANK DICATALDO, PH.D., et al.,
Defendant's.

04/12/2005 AM:23

U.S. DISTRICT COURT
CIVIL ACTION NUMBER
NO.

05-10743-RWZ

PLAINTIFF'S MOTION TO WAIVE FILING FEES AND TO
PROCEED IN FORMA PAUPERIS

Plaintiff, Sandy J. Battista, acting pro-se in the above entitled matter, respectfully requests this Court to waive the filing fee in this action and to allow her to proceed in forma pauperis. As grounds, plaintiff the following:

- 1) That she ^{1/2} is currently civilly committed to the Mass. Treatment Center, under M.G.L. Ch.123A, §14(d), as amended by St.1999, c.74.
- 2) That since the plaintiff, as a civilly committed patient at the Mass. Treatment Center, is not a prisoner under the terms of the Prison Litigation Reform Act, see Perkins vs. Hedricks, 340 F.3d 582, 583 (8th Cir. 2003); Troville vs. Venz, 303 F.3d 1256, 1559-60 (11th Cir. 2002); Yoder vs. Patla, 234 F.3d 1275 (7th Cir. 2000); Page vs. Torrey, 201 F.3d 136, 1139-40 (9th Cir. 2000); King vs. Greenblatt, 53 F.Supp.2d 117, 138 (D.Mass. 1999), she is not subjected to the "fee paying requirement" under the PLRA.
- 3) As reflected by the attached Affidavit and Financial Statement, plaintiff is financially unable to afford the costs

UNITED STATES DISTRICT COURT

District of Massachusetts

ATTACHMENT 5

SANDY J. BATTISTA

Plaintiff

v.

**APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT**

FRANK DICATALDO, PH.D., et al.,

CASE NUMBER:

Defendant

I, Sandy J. Battista declare that I am the (check appropriate box) petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently ~~incarcerated~~ Civilly Committed? Yes No (If "No," go to Part 2)If "Yes," state the place of your ~~incarceration~~ Commitment Mass. Treatment CenterAre you employed at the institution? No Do you receive any payment from the

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report

Date : 20050323 07:42

Commit# :	M15930					MASS. TREATMENT CENTER		Page : 1	
Name :	BATTISTA, SANDY, J,					Statement From	20041001		
Inst :	MASS. TREATMENT CENTER					To	20050323		
Block :	C2								
Cell/Bed :	009 /B								
Transaction Date	Type	Receipt #	Check No	Inst Name	Notes		Personal		Savings
							Income	Expense	Income Expense
Total Transaction before this Period :							\$9,016.34	\$8,772.76	\$550.81 \$550.81
20041001 09:48	EX - External Disbursement	3447525	94685	MTC	~FHS		\$0.00	\$10.00	\$0.00 \$0.00
20041004 14:04	EX - External Disbursement	3452395	94692	MTC	~EDWARD HAMILTON		\$0.00	\$29.40	\$0.00 \$0.00
20041004 14:04	MA - Maintenance and Administration	3452396		MTC	~Monthly Maintenance and Administration Fee		\$0.00	\$1.00	\$0.00 \$0.00
20041006 23:02	PY - Payroll	3469068		MTC	~20040919 To 20040925		\$7.00	\$0.00	\$0.00 \$0.00
20041007 22:30	CN - Canteen	3478081		MTC	~Canteen Date : 20041007		\$0.00	\$31.25	\$0.00 \$0.00
20041012 11:08	IC - Transfer from Inmate to Club A/c	3488744		MTC	~POSTAGE - Z11~POSTAGE - Z11		\$0.00	\$3.13	\$0.00 \$0.00
20041012 11:08	IC - Transfer from Inmate to Club A/c	3488751		MTC	~POSTAGE - Z11~POSTAGE - Z11		\$0.00	\$2.67	\$0.00 \$0.00
20041013 16:59	IS - Interest	3504192		MTC			\$0.52	\$0.00	\$0.00 \$0.00
20041013 23:01	PY - Payroll	3516277		MTC	~20040926 To 20041002		\$7.00	\$0.00	\$0.00 \$0.00
20041014 22:30	CN - Canteen	3524675		MTC	~Canteen Date : 20041014		\$0.00	\$16.91	\$0.00 \$0.00
20041019 14:32	EX - External Disbursement	3537931	95027	MTC	~FHS		\$0.00	\$9.75	\$0.00 \$0.00
20041020 23:01	PY - Payroll	3548508		MTC	~20041003 To 20041009		\$7.00	\$0.00	\$0.00 \$0.00
20041021 22:30	CN - Canteen	3557031		MTC	~Canteen Date : 20041021		\$0.00	\$29.10	\$0.00 \$0.00
20041027 23:02	PY - Payroll	3578424		MTC	~20041010 To 20041016		\$7.00	\$0.00	\$0.00 \$0.00
20041028 22:30	CN - Canteen	3585370		MTC	~Canteen Date : 20041028		\$0.00	\$10.89	\$0.00 \$0.00
20041103 23:01	PY - Payroll	3611300		MTC	~20041017 To 20041023		\$7.00	\$0.00	\$0.00 \$0.00
20041104 22:30	CN - Canteen	3620162		MTC	~Canteen Date : 20041104		\$0.00	\$13.97	\$0.00 \$0.00
20041110 13:44	IC - Transfer from Inmate to Club A/c	3642829		MTC	~POSTAGE - Z11~POSTAGE - Z11		\$0.00	\$1.75	\$0.00 \$0.00
20041110 16:47	IS - Interest	3649855		MTC			\$0.34	\$0.00	\$0.00 \$0.00
20041110 23:03	PY - Payroll	3662102		MTC	~20041024 To 20041030		\$7.00	\$0.00	\$0.00 \$0.00
20041111 22:30	CN - Canteen	3667916		MTC	~Canteen Date : 20041111		\$0.00	\$3.82	\$0.00 \$0.00
20041116 10:22	EX - External Disbursement	3682070	95712	MTC	~FHS		\$0.00	\$14.25	\$0.00 \$0.00
20041116 10:22	MA - Maintenance and Administration	3682071		MTC	~Monthly Maintenance and Administration Fee		\$0.00	\$1.00	\$0.00 \$0.00
20041117 23:02	PY - Payroll	3691683		MTC	~20041031 To 20041106		\$7.00	\$0.00	\$0.00 \$0.00
20041118 22:30	CN - Canteen	3700145		MTC	~Canteen Date : 20041118		\$0.00	\$27.93	\$0.00 \$0.00
20041124 23:02	PY - Payroll	3725618		MTC	~20041107 To 20041113		\$7.00	\$0.00	\$0.00 \$0.00
20041201 23:02	PY - Payroll	3751487		MTC	~20041114 To 20041120		\$7.00	\$0.00	\$0.00 \$0.00
20041202 22:30	CN - Canteen	3759702		MTC	~Canteen Date : 20041202		\$0.00	\$16.56	\$0.00 \$0.00
20041203 09:58	EX - External Disbursement	3763926	96096	MTC	~BLUE DOT-FHS		\$0.00	\$5.00	\$0.00 \$0.00
20041203 09:58	MA - Maintenance and Administration	3763927		MTC	~Monthly Maintenance and Administration Fee		\$0.00	\$1.00	\$0.00 \$0.00

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 COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF CORRECTION
 Inmate Transaction Report

Date : 20050323 07:42

Page : 2

Commit# : M15930 MASS. TREATMENT CENTER
 Name : BATTISTA, SANDY, J. Statement From 20041001
 Inst : MASS. TREATMENT CENTER To 20050323
 Block : C2
 Cell/Bed : 009 /B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20041203 14:28	IC - Transfer from Inmate to Club A/c	3765072		MTC	~CLOTHING-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$65.62	\$0.00	\$0.00
20041207 17:00	IS - Interest	3782915		MTC		\$0.24	\$0.00	\$0.00	\$0.00
20041208 23:02	PY - Payroll	3802169		MTC	~20041121 To 20041127	\$7.00	\$0.00	\$0.00	\$0.00
20041209 09:22	ML - Mail	3808343		STH	~ALLAN GREEN	\$25.00	\$0.00	\$0.00	\$0.00
20041209 09:22	TI - Transfer from Institution	3808345		MTC	~Associate Receipt Number is 3808343	\$25.00	\$0.00	\$0.00	\$0.00
20041209 09:22	TJ - Transfer from Institution	3808344		STH	~Associate Receipt Number is 3808343	\$0.00	\$25.00	\$0.00	\$0.00
20041215 23:03	PY - Payroll	3836734		MTC	~20041128 To 20041204	\$7.00	\$0.00	\$0.00	\$0.00
20041216 22:30	CN - Canteen	3845456		MTC	~Canteen Date : 20041216	\$0.00	\$31.10	\$0.00	\$0.00
20041222 23:02	PY - Payroll	3873546		MTC	~20041205 To 20041211	\$7.00	\$0.00	\$0.00	\$0.00
20041224 11:50	EX - External Disbursement	3886561	96564	MTC	~FHS	\$0.00	\$4.50	\$0.00	\$0.00
20041229 22:30	CN - Canteen	3900835		MTC	~Canteen Date : 20041229	\$0.00	\$19.68	\$0.00	\$0.00
20041229 23:02	PY - Payroll	3906689		MTC	~20041212 To 20041218	\$7.00	\$0.00	\$0.00	\$0.00
20050105 23:02	PY - Payroll	3937093		MTC	~20041219 To 20041225	\$7.00	\$0.00	\$0.00	\$0.00
20050112 09:05	EX - External Disbursement	3964495	97038	MTC	~FHS	\$0.00	\$5.25	\$0.00	\$0.00
20050112 09:05	MA - Maintenance and Administration	3964496		MTC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050112 23:03	PY - Payroll	3970460		MTC	~20041226 To 20050101	\$7.00	\$0.00	\$0.00	\$0.00
20050113 17:06	IS - Interest	3983964		MTC		\$0.07	\$0.00	\$0.00	\$0.00
20050119 23:03	PY - Payroll	4014539		MTC	~20050102 To 20050108	\$7.00	\$0.00	\$0.00	\$0.00
20050120 22:30	CN - Canteen	4023284		MTC	~Canteen Date : 20050120	\$0.00	\$16.43	\$0.00	\$0.00
20050126 23:02	PY - Payroll	4043707		MTC	~20050109 To 20050115	\$7.00	\$0.00	\$0.00	\$0.00
20050128 22:30	CN - Canteen	4056778		MTC	~Canteen Date : 20050128	\$0.00	\$1.82	\$0.00	\$0.00
20050202 23:03	PY - Payroll	4076668		MTC	~20050116 To 20050122	\$7.00	\$0.00	\$0.00	\$0.00
20050209 16:46	IS - Interest	4113028		MTC		\$0.04	\$0.00	\$0.00	\$0.00
20050209 23:04	PY - Payroll	4126838		MTC	~20050123 To 20050129	\$7.00	\$0.00	\$0.00	\$0.00
20050210 22:30	CN - Canteen	4136074		MTC	~Canteen Date : 20050210	\$0.00	\$17.68	\$0.00	\$0.00
20050216 23:03	PY - Payroll	4159486		MTC	~20050130 To 20050205	\$4.00	\$0.00	\$0.00	\$0.00
20050217 22:30	CN - Canteen	4169340		MTC	~Canteen Date : 20050217	\$0.00	\$13.04	\$0.00	\$0.00
20050222 09:42	CI - Transfer from Club to Inmate A/c	4177091		MTC	~PROPERTY CREDIT FOR RETURNED FOOTWEAR-M15930 BATTISTA,SANDY J PERSONAL-KCN WASH ACCOUNT - Z5	\$48.95	\$0.00	\$0.00	\$0.00
20050309 09:58	EX - External Disbursement	4249257	98311	MTC	~FHS	\$0.00	\$5.50	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20050323 07:42

Commit# : M15930 MASS. TREATMENT CENTER Page : 3

Name : BATTISTA, SANDY, J. Statement From 20041001

Inst : MASS. TREATMENT CENTER To 20050323

Block : C2

Cell/Bed : 009/B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20050309 09:58	MA - Maintenance and Administration	4249258		MTC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050310 22:30	CN - Canteen	4263199		MTC	~Canteen Date : 20050310	\$0.00	\$29.87	\$0.00	\$0.00
20050315 16:53	IS - Interest	4284090		MTC		\$0.06	\$0.00	\$0.00	\$0.00
						\$237.22	\$466.87	\$0.00	\$0.00

Balance as of ending date :	Personal	Savings
	\$13.93	\$0.00

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$13.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00